

# Morgan Lewis

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January 17, 2018

**Via ECFS**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

**Re: CC Docket No. 02-6 – Ex Parte Submission**

Dear Ms. Dortch:

U.S. TelePacific Corp. d/b/a TPx Communications<sup>1</sup> (“TPx”) submits this ex parte letter to clarify terms used in filings regarding TPx’s Request for Review of a Universal Service Administrative Company (“USAC”) Decision regarding the provision of services during Funding Year 2011 to Coachella Valley Unified School District (“CVUSD”).<sup>2</sup>

TPx clarifies that even though CVUSD was entitled to receive the E-rate discount of 89 and 90 percent, respectively, for Funding Years 2008 and 2009, it paid TPx the pre-discount amount less the California Teleconnect Fund (CTF) discount<sup>3</sup> for the 2008 and 2009 funding years. CVUSD also paid TPx the pre-discount amount for a portion of the 2010 and 2011 funding years, even though CVUSD was entitled to a discount of 88 and 89 percent respectively, for Funding Years 2010 and 2011.

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<sup>1</sup> Formerly TelePacific Communications and referred to herein as TPx.

<sup>2</sup> See Request for Review by U.S. TelePacific Corp. of Decision of the Universal Service Administrator, CC Docket No. 02-6 (filed Sept. 3, 2015).

<sup>3</sup> As explained in the Supplement to the Request for Review by U.S. TelePacific Corp. of Decision of the Universal Service Administrator, CC Docket No. 02-6 (filed June 9, 2017), TPx is required to invoice California, not CVUSD, for the CTF discount amount. The CTF program provides discounts, which vary annually depending on the California statewide average discount, on select communications services to schools, libraries, hospitals and other non-profit organizations. TPx received payment from the CTF for services provided to CVUSD.

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The attached chart shows, for each Funding Year 2008 through 2011, the pre-discount amount originally approved by USAC for CVUSD's voice FRN, the non-discounted amount CVUSD was responsible for paying, the amount CVUSD actually paid TPx, and the e-rate credit TPx issued to CVUSD after it received the FCDL from USAC.<sup>4</sup> After USAC approved each CVUSD annual funding request, TPx issued credits to CVUSD for the discounted amount TPx was approved to bill USAC. The credit balances issued to CVUSD offset, in part, amounts billed for E-rate services TPx provided to CVUSD in funding years 2010 and 2011, as explained in TPx's Second Supplement.<sup>5</sup>

The total amount outstanding for FRN 2198848 that TPx asks the FCC to direct USAC to pay is \$128,935.96. TPx explained in its Supplement that the FCC also should direct USAC to pay TPx \$34,299.74 for MPLS and point-to-point services that were not duplicative to three CVUSD sites. USAC reimbursed TPx for services provided December 2011 through June 2012 to these three sites but did not reimburse TPx for services provided to the same three sites July 2011 through November 2011.<sup>6</sup>

Please contact the undersigned if you have any questions.

Sincerely,

*/s/ Tamar E. Finn*

Tamar E. Finn

*Counsel to U.S. TelePacific Corp. d/b/a TPx*

cc: (Via E-Mail)  
James Bachtell  
Mark Nadel

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<sup>4</sup> The chart also shows the amount TPx billed to USAC and the amount disbursed by USAC for each Funding Year.

<sup>5</sup> See Second Supplement to the Request for Review by U.S. TelePacific Corp. of Decision of the Universal Service Administrator, CC Docket No. 02-6 (filed July 7, 2017).

<sup>6</sup> See Supplement to the Request for Review by U.S. TelePacific Corp. of Decision of the Universal Service Administrator, CC Docket No. 02-6, pp. 4-5 & Exhibit F (filed June 9, 2017).

Funding Year	FRN	Pre-Discount Amount	Discount %	Non-Discounted Amount	Credit Balance From 2007 FY	Amount CVUSD Paid TPx	Amount TPx Received from CTF	E-rate Credit to be issued after FCDL received	Date FCDL Issued	Invoiced to USAC	Disbursed by USAC	Remaining
2008	1763826	\$ 179,025.00	89%	\$ 20,526.29	\$ (21,570.19)	\$ 134,234.60	\$ 13,920.15	\$ 144,578.56	12/15/2010	\$ 144,578.56	\$144,578.56	\$ -
2009	1907123	\$ 168,356.63	90%	\$ 8,955.95	\$ -	\$ 156,033.97	\$ 12,680.31	\$ 146,720.37	8/4/2010	\$ 146,720.37	\$146,720.37	\$ -
2010	2095454	\$ 174,042.27	88%	\$ 45,796.33	\$ -	\$ 23,804.15	\$ 10,642.97	\$ 117,602.97	1/27/2011	\$ 117,602.97	\$117,602.97	\$ -
2011	2198848	\$ 172,831.91	89%	\$ 12,549.25	\$ -	\$ 8,064.07	\$ 7,543.85	\$ 153,270.98	11/22/2011	\$ 153,270.98	\$ 24,335.02	\$ 128,935.96